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Appl. No.: 10/717,001

Atty. Docket No.: PC-1088DIV

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Applicant: Walter Cornel
Serial No.: 10/717,001
Filed: 11/19/2003
For: MODULAR TOWER
Examiner: Basil S. Katcheves Group: 3635

Commissioner of Patents
And Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450


Honorable Commissioner:

I enclose the following papers:

1. Election
2. Post Card

Please enter the above correspondence.

Respectfully submitted


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CERTIFICATE OF FACSIMILE

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being sent by facsimile transmission to: 703-872-9306 addressed to the: Commissioner of Patents and Trademarks, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Date

4/20/05

Brian S. Steinberger
(Name of Person Sending Facsimile)


(Signature of Person Sending Facsimile)
Customer No. 23717



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ELECTION

Sir:

In response to the Examiner's Action mailed March 21, 2005, Applicant elects to prosecute with traverse Invention Group II, claims 21-26 drawn to a method of assembling a tower, classified in class 52.

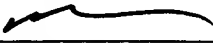
Based on the restriction requirement, Applicant lists embodiments as follows:

- I. Claims 18-20, group I, drawn to a tower assembly, classified in class 52.
- II. Claims 21-26, group II, drawn to a method of assembling a tower
- III. Claims 27-29, group III, drawn to tower braces, classified in class 52.
- IV. Claim 30, group IV, drawn to a method of bracing, classified in class 52.

Applicant disagrees with the restriction requirement for several reasons. A policy consideration behind a restriction requirement would suggest that separate inventions exists that inherently would include separate prior art searches, examinations, examiners, etc. The Primary Examiner does not state that different art units and/or different examiners would need to search and examine the inventions of Invention groups I, II, III and IV. If Invention groups I, II, III and IV can be searched by the same art unit and further by the same examiner, then having different examiners conduct separate searches and examinations would not create an undue time and financial burden on both the patent office and on the applicant.

Again, in reference to the Restriction Requirement, Applicant elects to prosecute, with traverse, Invention group II, Claims 21-26, drawn to a method of assembling a tower.

Respectfully submitted:



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